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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/110,615    07/06/98    EIBERGER

B    PHD97.095

EXAMINER
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TM02/0202

JACK E HAKEN  
US PHILIPS CORP  
INTELLECTUAL PROP DEPT  
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TARRYTOWN NY 10591

WONG, A	
ART UNIT	PAPER NUMBER

2613  
DATE MAILED:

02/02/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

09/110,615

Applicant(s)

EIBERGER, BERTHOLD

Examiner

Allen Wong

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 11/24/00 have been fully read and considered but they are not persuasive.

Regarding the amended limitation to claim 1, although Poetsch teaches the sprocket hole detection from left and leading edges (col.4, lines 11-12), Poetsch suggests that there are various methods for scanning "other positioning reference features" (col.6, lines 64-67). Poetsch uses the sprocket hole detection from left and leading edges, as mentioned in col.4, lines 11-12, as an "example" for detecting sprocket holes. It is only one of many sprocket hole scanning embodiments. One of ordinary skilled can easily manipulate and configure the second scanning device to scan in any desired direction needed to accomplish the task, including the configuration of the second scanning device for detecting both the beginning and end of sprocket holes. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the direction of scanning sprocket holes is an obvious feature because Poetsch suggests variations in scanning methods and embodiments for accomplishing the scanning of sprocket holes from beginning to the end.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poetsch (4,875,102).

Regarding claim 1, Poetsch discloses a film scanner comprising:

a first scanning device (see fig.5 and col.5, lines 50-68; note scanning device 14 scans cinematographic film frames) for scanning frames of a cinematographic film by means of photoelectric transducers, and

a second scanning device (see fig.5 and col.6, lines 1-3; note scanning device 8 scans sprocket holes) for scanning the sprocket holes.

Poetsch does not appear to mention the limitation of wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges.

However, Poetsch teaches the scanning of sprocket holes by using a laser (see fig.11) which is known for having variable high frequencies such as infrared light, etc.

Therefore, one of ordinary skill in the art would obviously recognize and acknowledge that the first light source, used for scanning frames, is maximally, spectrally different from the second light source, used for scanning sprocket holes, because the spectral range for a laser is much different from the light source (ie. white light) used for scanning frames.

Although Poetsch teaches the sprocket hole detection from left and leading edges (col.4, lines 11-12), Poetsch suggests that there are various methods for scanning "other positioning reference features" (col.6, lines 64-67). Poetsch uses the sprocket hole detection from left and leading edges, as mentioned in col.4, lines 11-12,

as an "example" for detecting sprocket holes. It is only one of many sprocket hole scanning embodiments. One of ordinary skilled can easily manipulate and configure the second scanning device to scan in any desired direction needed to accomplish the task, including the configuration of the second scanning device for detecting both the beginning and end of sprocket holes. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the direction of scanning sprocket holes is an obvious feature because Poetsch suggests variations in scanning methods and embodiments for accomplishing the scanning of sprocket holes from beginning to the end.

Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poetsch (4,875,102) for the same reasons as set forth in the previous Office Action, paper No.5.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 9-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AW  
January 30, 2001



**CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**